

Ravalli County Planning Board
Agenda for June 27, 2007
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Meeting
Update on Countywide Zoning Project

Plat Evaluation
Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and Two Variance Requests

1. **Call to order:**
Chip Pigman – Called the meeting to order at 3:00 PM
2. **Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members present:

Mary Lee Bailey
Dale Brown
Phil Connelly
Bob Cron
Ben Hillicoss
Lee Kierig
Chip Pigman
Les Rutledge
Bob Cron

(B) Members absent:

Dan Huls
JR Iman
Maura Murray

(C) Staff

Karen Hughes
Tristan Riddell
Shaun Morrell
Jennifer DeGroot
Renee Van Hoven
Kimberli Imig

3. **Approval of Minutes:**

Chip asked if there were any corrections or additions to the minutes from June 27, 2007. There were none. The minutes were approved as presented.

4. **Amendments to the Agenda**

Renee – I have a removal from the agenda. Under 9, item A. We don't need to collect comments because we have already gone through the screening committee on this.
Karen – I am just going to do the introductions right off the bat so that we don't have any communications from the staff. (Introduces Kim and Randy and Jim Rokosch)

5. Correspondence

Chip – I know that we had a lot of correspondence, is that it for today?

6. Disclosure of Possible/Perceived Conflicts

Chip – just want to make sure this is out there. His company has built a home for the applicant but has no financial interest in this current project.

7. Public Meeting

(A) Update on Countywide Zoning Project

Staff Report –

- a) **Karen** explained that for additional funding and assistance with the planning program including the zoning, and updating the subdivision regulations, streamside setbacks, and the open lands programs she has applied for a grant from the Brainerd Foundation. We are in the process of finalizing that proposal to forward to the Brainerd Foundation. We should know the first part of July as to whether we have been successful. The indication so far is that we are. Then we will have to scurry about to find some additional funding matches. So we hope that there will be other local funding interested once they have brought their funding forward. So in all likely hood when they do an allocation, they will do one early and then see how things are doing then do one later in the fall. We do have some other people in the community who has said that they would be interested. Some from the development community, some from the conservation community, there have been quite a few people that have said lets solidify a proposal and we'll donate some money too. The reason we have put so much time and effort into this is because it seems like this investment will truly pay off in the end even if it meant holding up some of the earlier meetings. We will just end up with a better project after this. Also, the commissioners and staff found that it would take more funding than we first thought to get these projects done the way we want them done and no half way.
- b) **Countywide zoning project** - (See Attachment B, Planning Progress Report)
I want to refer you to page 3 of 5 that's where the Implement Countywide Zoning and Associated Projects start. The work plan has been revised. You also have a copy of that in your stack there, it is an 8 ½ x 14 piece. (Attachment C, Countywide Zoning Phase 1 – Baseline Zoning) It has revised timelines for countywide zoning as well as outlined, not quite as detailed timelines for the other county priorities. This has been updated and we anticipate that it will need to be updated on a quarterly basis.
- c) **Public Involvement** – (See attachment C, page 3)
As you know we did the first round of public meetings, look to do another round in the fall and the 3rd round shortly thereafter. We as a department wanted to make sure that we could commit to doing all of these meetings so there was a little time in between so we could make sure that we'd be able to follow through with that commitment. For updates on this, we have been solidifying the nuts and bolts meetings and presentations. It will start with a presentation to the county commissioners and staff before we do the round robin before the community.

d) Development of Land Capability and Suitability Analysis –

Karen – stated that the planning staff is still working with DEM and pulling together the data stats, and working with the GIS map sets, the staff will also develop base map sets for the planning areas of the next round of meetings. Also, the committee members for Streamside Setback were voted in on June 8th, and the first meeting is tomorrow night, June 28th.

B. Priority #2 and Priority #3 – Meet deadlines for development and review

(See attachment C, page 2)

- a) The planning staff has been meeting deadlines that were implemented at the beginning of the year. Also, it has been adopted that an outside consulting firm be contracted for unusual projects so as not to bog down the Planning staff. There has been an RFP sent out and the staff is reviewing them now.
- b) As part of the settlement on the Lords case it was decided that these projects would be handled by outside consultants. (See Attachment D, Release and Settlement Agreement).
 - To understand the rationale behind the case please see schedule B (See Attachment E, Schedule B). It may seem odd to look outside the legal document for the case, but that is where the rationale is.
 - Schedule A (See Attachment F, Schedule A) shows all of the subdivisions that were part of that settlement and gives some general information about those. There is a separate timeline for those projects as part of the settlement agreement.

C. Priority #4 – Establish the Open Lands Board

(See Attachment C, page 4)

- This board has been established and adopted their bylaws at the last meeting. Also this board has tentatively adopted an application and an evaluation form which are under review by legal counsel right now. A timeline has also been approved not based on enhanced funding. They are hoping to start receiving applications in September if all goes well.

D. Priority # 5 - Update and Modernize County Subdivision Regulations

(See Attachment C, pages 4-5)

- Everyone agrees that this needs to happen and that this would be a great compliment with Countywide zoning so we included this in the proposal for enhanced funding.

E. Other planning activities

(See Attachment C, page 5)

- **Inter-jurisdictional cooperative planning efforts** with Missoula County Commissioners and Ravalli County Commissioners. The staffs have been brainstorming how the jurisdictions can work together.
- **Impact Fees and Capital Improvements Planning**- the BCC met in May to re-commit to exploring impact fees. An impact fee advisory committee was advertised for a month and the planning staff will create the impact committee in July.

- Staff has arranged for a presentation by Dennis Stranger, Hamilton City Planner, to cover why communities should do capital improvements planning, what kinds of information needs to be collected and how much does it cost.
- **Parks Planning** – Staff continues to be supportive of the board. Also, staff included a proposal in our budget presentation for funding enhancement for a County Parks and Recreation program.
- **Wetlands** – Thanks to a grant from the DEQ, staff has the opportunity to participate in a series of wetlands training sessions. Funding from this grant will also provide assistance with updating subdivision regulations in regards to the wetlands and developing streamside setbacks.

(ii) Public Comment

There was none.

(iii) Board Discussion

Ben stated that this was a lot of information to intake all at once, but had a few comments. **Ben** said there seems to be little or no time for problems or mistakes. Also, the Land Use Committee has been tied up because the Planning Department has so much other stuff going on. It was also stated that after looking through this information the board could make comments and discuss those issues the next meeting or on email.

Karen said to please have those comments to the Planning Department by the beginning of next week.

Jim agreed to please look this information over and that the commissioners are also. It needs to be done in a timely manner because this will affect the timeline.

8. Plat Evaluation

(A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and Two Variance Requests

(i) Presentation by PCI – Bill Burnett

Summary:

- 14 lot major subdivision with optional guest houses
- Location is West of Meridian Rd.
- This is 2 parcels combined
- Planning it as 28 units because of relative to traffic generation
- The guest houses should not be treated as primary dwellings because they will only be occupied intermittently and will not be rented or leased out.
- The traffic generation is based on 8 daily trips for the primary dwellings and 2 daily trips for the guest homes.
- 26.6 acre common area that is adjacent to Burr Creek

Two Variances:

1) Road standards:

- The paving section is based on 21 or more units which means that Meridian Road would have to make significant changes to come up to county standards, namely paving it. **Argument:** Traffic will not be coming from 21 or more units but from only 18 units.
- **Further Support: (TIA) Traffic Impact Analysis**
 - 1) It won't have a significant impact on Meridian Rd., Sheafman Creek Rd., Orway Rd., or Highway 93.
 - 2) Delays at the intersections will be minimal as well.

2) Specific Road Design Standards

- The maximum cul-de-sac is approximately 1400 feet. This will have a 5350 foot cul-de-sac. Also, there will be two roundabouts which will both be important for emergency vehicles. The drives are private with low traffic volume and will have no thru traffic.

Planning Issues:

Detailed Flood Plain Analysis

- A no build no alteration zone has been deemed around the creek so that the floodplains are avoided. To mitigate the situation Zone A and Zone B have been implemented.
- **Zone A** – Permanent no build, no alteration zone.
- **Zone B** – Temporary no build, no alteration zone. Zone B is called temporary because all of the information is based on computer programming model. This means the data entered can change in time and therefore this temporary no build zone may change as well. There will be no building for a time until and only if the computer program says at some stage that building is ok.
- **Fire Protection** - Lots 13 and 14 will be emergency run offs, much like the ones on the highway for trucks.
- **Protection of Sensitive Species –**
 - Fish** - All the fish in the creeks will be protected because of the no build, no alteration zones.

Bobblelink bird – this bird nests in old hay fields that have not been hayed for 5-10 years. This subdivision is younger than that and the fields do not fall into this criteria. A biologist has come and checked out the property and there is no sign of these birds having been in the area recently.

To mitigate Bobblelink Birds situation – There will be a limit on lawn irrigation on lots 1-5 to ½ acre around the dwelling. Also, there will be NO burning allowed from May 1-July 15 as this is their breeding season. All of this will be done so land can remain in natural state if birds happen to migrate here.

(ii) Public comment

There was none.

(iii) Board discussion and questions

Ben – stated there were a few clarifications to be made. There will be no alteration to the grounds etc. during the Bobblelink breeding season.

Bill – That is correct. Eventually what will happen is that it will revert back to natural grasses and natural habitat and that is the reason, again, for the Zones A&B.

Ben – Regarding the temporary no build, no alteration zones, asked if there were any specific rules or regulations or special date that this would be lifted. Clarification was needed on why it was called temporary.

Bill – Temporary because of two things. First, DNRC could change the floodplain if and when there is new data. Second, houses outside this specific subdivision may build and affect the floodplain issue. If that happens then improvements may have to be done which will affect the temporary zoning.

Les – Asked approximately what percentage of the acreage was hayfields before all this began.

Paul (landowner) – Stated that it was maybe, approximately 10%.

Bill – Pointed to the map and stated that all the irrigation ditches that were shown are what used to be the hayfields, which are east of the creek.

Lee – Asked what the county's policy is on having two houses on one parcel.

Tristan – Stated that it was viewed as one unit so the county sees it as a Single Family Home.

Lee – Said that after consulting with Planning before, it was understood that the dwelling had to be structurally attached under one roof. Is that still a criteria?

Tristan – Stated that Planning sees this as one dwelling.

Lee – Wondered what the difference between this and another project is.

Tristan – This project is being reviewed as 28 units, not individually.

Phil – (Inaudible questioning a bridge)

John Kellogg – Stated that there is a pretty steep embankment to stop flooding. Also, DNRC was there before, after and during this whole process and has signed off on that bridge. Yes, there was a flood this last November, but it was outside of where this subdivision lies and is not our responsibility. Again, all this was run by Laura and the DNRC and was approved.

Chip – Asked the staff if the subdivision regulations for dwellings for sale or rent stand for the guest homes as well.

Karen – Stated that if need be it would be pretty easy to make them rentable.

Phil – Asked if the covenants on this land would allow that.

John – Said that there are enough safeguards in place that there is no practical reason for the guest houses to ever have to be rented or leased.

Karen – Stated that this has always been true in the county and has been handed down from legal counsel. Covenants are only as strong as the people enforcing them.

John – There will be no kitchens in the guest houses. The intent is to have a place for family, friends, and guests to sleep and then all will come together in the main dwelling for meals, hence the kitchen being in the main house.

Bob – Stated a concern about the cul-de-sacs and no emergency access.

John – The road access itself is about 9 ½ feet and only emergency vehicles will have access there.

Bob – Asked if adjacent land owners have been notified.

Tristan – Stated that technically no one has to be notified until public notice in the paper has been given, and as that is done neighbors will be notified.

Phil – Asked if the guest houses and primary houses will be on the same septic.

John – Yes.

Les – Stated that it would be appreciated if the planning department made a statement acknowledging that this development is using 75 acres of good and useful farmland.

Mary Lee – This cul-de-sac is almost a mile long. It was asked that the fire department is ok with the road being this long.

John – Tom Hansen met with the Fire Marshall out there and this was negotiated on site. So yes, the fire department did approve and it is known for down the road.

Ben – There was something mentioned about a bike/walking trail.

Bill – Stated that although that is a good point, the difficulty ends up being with the maintenance of such a trail since this road is not paved.

Lee – Regarding the Floodplain, because of the wording are people going to be asking whether it is ok to build because of the floodplain.

John – inaudible –

Dale – inaudible -

Bill – inaudible -

John – inaudible –

Lee – Asked how big the reservoir is.

John – Answered that it is 503 acres.

Bob – Wondered where the school bus kids will be picked up.

John – At Meridian.

9. Communications from Public

Jack Saunders – Stated that no one had addressed the issue of 1 per 2.

Chip – Answered that all the lots in the subdivision are larger than the minimum of 2 acres.

Mary Lee – Said that the smallest acreage is 5.06 acres.

10. Communications from Board

(A) Land Use Subcommittee: Where do we go from here?

Ben – Submitted a report of the LUS for May and June (See Attachment F)

Summary –

- The committee only met 5 of the 8 scheduled times
- A volunteer has taken minutes, but none have been typed or distributed
- The third draft of the proposed County Wide Zoning regulations were made available to public on May 23, 2007
- No nuts and bolts meetings have been scheduled no have any proposed dates been scheduled
- Florence School District is the only CPC known to have had meetings
- The last three LUS meetings have been spent discussing possible activities for the board to take care of while the Planning Department gets caught up (See attachment G).

Lee – Stated concern about the attendance and losing the LUS committee. The last meeting there was only 2 people. It is understood that some guidance is needed.

Chip – Perhaps the committee needs to give the Planning Department Staff some time to get caught up in the office. Is there a need for this committee or can it be gotten rid of?

Mary Lee – Stated that the committee is important because Planning doesn't want to get behind the ball, but stay ahead of it.

Lee – Asked if the LUS is meeting it's goals.

Ben – Stated that though some stuff has been touched, the committee is lacking guidance.

Chip – Summarized by saying it is agreed that guidance is needed. Also, asking would the process be better served if a break was taken, or should the committee ask the commissioners for the next task.

Karen – Reminded people to keep eyes on the big picture.

Jim – Agreed with Karen. Since the timeline has already had to be pushed out, a recommendation to take a break, definitely would not be helpful.

Lee - Recommended that the BCC and the PB get together and get some logic on paper for guidance for this zoning project.

Chip – Reminded people that this is the reason for buying into CWZ, because there is a place for everyone and everything.

Jim – Stated that there needs to be a focus on how to facilitate each other.

Ben – Stated again, where does the committee go from here? First, keep focused on the big picture. Second, realize that in time there will be plenty of work coming the committee's way.

Chip – Summarizing. Dale, agrees.

Les – Stated that it doesn't seem necessary to have a meeting every week.

Phil – Suggested having no regular meetings until the Planning Staff needs the committee's help.

Karen – Stated that within the next week, maybe two, the weekly meetings of this committee are going to be necessary.

Chip – Suggested not having a meeting tomorrow (6/28) or next week (7/5) and then see where things stand.

Karen – agreed.

11. New Business

Ben – Suggested that a new subcommittee be formed of 1,2,or 3 people to do an annual and or quarterly report.

12. Old Business

(A) Finalize List of Questions to ask the Road Supervisor (See Attachment H)

Renee – Stated that an appointment would be set with David from Transportation for the August 15th Planning Board meeting.

13. Next Regularly Scheduled Meeting: Wednesday July 18, 2007 at 3:00 PM.

14. Adjournment

Chip – adjourned meeting at 5:15 PM.